

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

GEORGE MOTA VENTURA,

Petitioner,

v.

JAMES A. YATES, Warden,

Respondent.

No. C 10-0762 RS (PR)

**ORDER REOPENING ACTION;**

**ORDER SETTING BRIEFING  
SCHEDULE**

The Court, pursuant to a motion by respondent (Docket No. 17), dismissed this federal habeas action as untimely on February 22, 2013. On that date, petitioner filed a motion for an extension of time to file an opposition to the motion to dismiss (Docket No. 20). The Court construes petitioner's filing as a motion to reopen the action. So construed, the motion is GRANTED. The action is hereby REOPENED, and the Clerk is directed to amend the docket accordingly and terminate Docket No. 20. The judgment (Docket No. 19) and the order of dismissal (Docket No. 18) are VACATED.

Respondent's motion to dismiss, then, is pending. Petitioner's opposition to this motion must be filed on or before June 15, 2013. **No extensions of time will be granted.** Respondent is not required to file a reply, but any reply must be filed on or before July 25, 2013. **No extensions of time will be granted.** If petitioner does not file an opposition on or before June 15, 2013, the Court will deem that (1) petitioner has waived his right to file an opposition, and (2) respondent's motion to dismiss is submitted for final decision.

**IT IS SO ORDERED.**

DATED: April 15, 2013

  
RICHARD SEEBORG  
United States District Judge

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